

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

| | |
|---------------------------------------|-----------|
| TOTAL GROW HOLDINGS, LLC, | \$ |
| TG TECH HOLDINGS, LLC, AND TGC | \$ |
| SYSTEMS, LLC, | \$ |

Plaintiffs,

V.

Civil Action No. 3:21-cv-354

**TENNESSEE EXTRACTS, LLC, §
LESLIE HOUGH, JOSHUA BECKMAN, §
KEVIN WOODS, AND MICHAEL §
SHEEHAN, §**

Defendants.

**NOTICE OF DECISION IN FIRST-FILED TENNESSEE ACTION DENYING
TOTAL GROW HOLDINGS, LLC, TG TECH HOLDINGS, LLC, AND TGC
SYSTEMS, LLC’S MOTION TO DISMISS OR ALTERNATIVELY
MOTION TO TRANSFER VENUE**

Defendants Tennessee Extracts, LLC, Leslie Hough, Joshua Backman,¹ Kevin Woods, and Michael Sheehan (collectively, “Defendants,” which are specially appearing), respectfully provide notice of the attached decision of the United States District Court for the Middle District of Tennessee dated June 10, 2022, in *Tennessee Extracts, LLC v. TGC Systems, LLC d/b/a Total Grow Control, LLC, Total Grow Holdings, LLC, Total Grow Control Holdings, LLC, TG Tech Holdings, LLC, and Derek Oxford*, Case No 3:21-cv-00879 (the first-filed “Tennessee Action”).

¹ Plaintiffs' Complaint misspells Joshua Backman's name as "Beckman."

In the Memorandum and Order (collectively, the “Tennessee Decision”), attached hereto as Collective Exhibit 1, Judge Trauger of the United States District Court for the Middle District of Tennessee denied the Motion to Dismiss or Alternatively Motion to Transfer Venue to the Southern District of Texas filed by TGC Systems, LLC d/b/a Total Grow Control, LLC, Total Grow Holdings, LLC, TG Tech Holdings, LLC, and Derek Oxford (collectively “Total Grow”).² The Tennessee Court ruled that the Tennessee Action: (1) was properly filed in a forum having jurisdiction and venue over Total Grow; and (2) should not be transferred to Texas.

In light of the Tennessee Decision rendered in the first-filed Tennessee Action keeping the parties’ dispute in Tennessee, Total Grow should assert any potential claims against Defendants as counterclaims in the Tennessee Action, not as offensive claims in this duplicative Texas action. Therefore, Defendants respectfully request that this Court grant their Motion to Transfer or, Alternatively, Motion to Dismiss (Doc. 6 in this action), which is fully briefed and pending before this Court.

Respectfully submitted,

/s/ Greta Ravitsky

Greta Ravitsky

Texas Bar No. 24058063

S.D. of Tex. Bar No. 731652

GRavitsky@ebglaw.com

Epstein, Becker & Green, P.C.

Bank of America Center

700 Louisiana Street

Suite 3950

² Total Grow Holdings, LLC, TG Tech Holdings, LLC, and TGC Systems, LLC, all of the Plaintiffs in the instant action, are all Defendants in the Tennessee Action.

Houston, TX 77002
T: (713) 300-3215
F: (713) 300-3201

-and-

Jeremy Oliver
Attorney-in-Charge (admitted pro hac vice)
Tennessee Bar No. 029329
Epstein Becker & Green, P.C.
424 Church Street
Suite 2000
Nashville, TN 37219
T: 615.564.6032
F: 202.296.2882
joliver@ebglaw.com

Counsel for Specially Appearing Defendants

CERTIFICATE OF SERVICE

I hereby certify that on June 24, 2022, a copy of the foregoing Notice of Decision was filed electronically. Notice of this filing is expected to be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt, as noted below.

D. Hunter Polvi (Tex. State Bar No. 24083674)
Jerry C. Alexander (Tex. State Bar No. 00993500)
PASSMAN & JONES,
A Professional Corporation
1201 Elm Street, Suite 2500
Dallas, Texas 75270-2599
polvih@passmanjones.com

Counsel for Plaintiffs

/s/ Greta Ravitsky
Greta Ravitsky
Texas Bar No. 24058063
S.D. of Tex. Bar No. 731652

Counsel for Specially Appearing Defendants